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DOCKET

07-AFC-6

DATE APR 28 2009

RECD. APR 28 2009

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:)	DOCKET NO: 07-AFC-6
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)	
CARLSBAD ENERGY CENTER PROJECT)	CENTER FOR BIOLOGICAL
)	DIVERSITY'S SECOND STATUS REPORT
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Pursuant to the Revised Committee Scheduling Order dated December 26, 2008, and the April 17, 2009 email from Hearing Officer Kramer, Intervenor Center for Biological Diversity ("Center") files this status report.

The Center concurs with the City of Carlsbad that the schedule for this project remains vague. (City's Status Report #5 at 3.) At the earliest, Staff will release the Final Staff Assessment ("FSA") by mid-May, 2009. (Amended Staff's Status Report #6.) Yet, the FDOC may not be available until May 11, 2009. (Applicant's Status Report (April 2009) at 2.) Subsequent to FSA's release, Staff will hold a FSA workshop. Any issues raised at that workshop should be addressed by Staff before testimony on the application is submitted.

Otherwise, the holding of the workshop will simply be a meaningless exercise for those who participate. Staff proposed the FSA workshop as a means to alleviate concerns about the missing elements in its Preliminary Staff Report. (Staff Status Report #4 at 1.) For some issues, the FSA will be the first opportunity for the public to comment on some of Staff's analysis. The Center proposes that all dates for subsequent activities related to the hearings be set after the Staff has a firm date for addressing any issues raised at the FSA workshop.

The Center agrees with Staff that the applicant should submit its testimony before the other parties do so. However, this testimony should be submitted only after any issues from the FSA workshop are resolved. The Center requests that testimony of parties other than the applicant be submitted four weeks after the applicant submits its testimony. The Center also agrees with Staff's recommendation for a pre-hearing conference after the initial testimony is submitted.

DATED: April 28, 2009

A handwritten signature in black ink, appearing to read "William Rostov", with a long horizontal flourish extending to the right.

William B. Rostov
Earthjustice
Attorney for Center for Biological Diversity



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
FOR THE *CARLSBAD ENERGY
CENTER PROJECT***

Docket No. 07-AFC-6

**PROOF OF SERVICE
(Revised 2/18/2009)**

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DECLARATION OF SERVICE

I, Jessie Baird, declare that on April 28, 2009, I served and filed copies of the attached CBD's Second Status Report.

The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

<http://www.energy.ca.gov/sitingcases/carlsbad/index.html>. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

X sent electronically to all email addresses on the Proof of Service list;

X by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

X sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

 depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-AFC-6
1516 Ninth Street, MS-4
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I declare under penalty of perjury that the foregoing is true and correct.

JAR Baird